

CITY OF MAPLE VALLEY, WASHINGTON

RESOLUTION NO. R-19-1308

A RESOLUTION OF THE CITY OF MAPLE VALLEY, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE A POSSESSION AND USE AGREEMENT FOR A PORTION OF RIGHT OF WAY FOR THE T-39 PROJECT (SR 169 WIDENING) BETWEEN THE CITY AND JAMES FLYNN AND MARLA FLYNN HABENICHT (HEREINAFTER, FLYNN).

WHEREAS, the City has a need to make critical transportation improvements on the SR 169 corridor between Witte Road SE and SE 240th Street; and;

WHEREAS, it is necessary to acquire right of way adjacent to SR 169 between Witte Road SE and 225th Avenue SE to construct the T-39 project; and,

WHEREAS, the City's agent for right-of-way acquisition has furnished the City with documentation that, in the City's opinion, indicates that the City may already own a section of unimproved right-of-way for the Black Diamond-Renton Road, a portion of which includes property needed to construct the T-39 project (known as the "Necessary Parcel"); and,

WHEREAS, Flynn contests the City's ownership of the Unimproved ROW, but would like to cooperate with the City in allowing project T-39 to move forward on schedule, while reserving his right to seek compensation from the City for the Necessary Parcel; and,

WHEREAS, it may take some time to resolve the underlying question related to the title of the Unimproved ROW; and,

WHEREAS, a Possession and Use Agreement has been drafted to allow the City to move forward with the T-39 Project and convey title to the appropriate parties when the underlying ownership of the Black Diamond-Renton Road is determined; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO RESOLVE AS FOLLOWS:

Section 1: Authorization. The City Manager is hereby authorized to execute the Possession and Use Agreement between the City and James Flynn and Marla Jo (Flynn) Habenicht. Per the agreement, a sum of \$62,700.00 will be deposited in an escrow account by the City and disbursed in accordance with the terms Possession and Use Agreement. A copy of Possession and Use Agreement has been filed with the City Clerk and identified with Clerk's Receiving No. 2879.

APPROVED BY THE CITY COUNCIL AT A REGULAR BUSINESS MEETING
THEREOF ON THE 28TH DAY OF JANUARY 2019.

CITY OF MAPLE VALLEY

Sean P. Kelly, Mayor

ATTESTED/AUTHENTICATED:

Shaunna Lee-Rice, City Clerk

Approved as to form:

Patricia Taraday, City Attorney